

### REMARKS

The claims remaining in the present application are Claims 1, 2, 4-16, 18-25, and 27-30. The Examiner is thanked for performing a thorough search. Claims 3, 17, and 26 have been cancelled. Claims 1, 2, 15, 21 and 22 have been amended. The independent Claims 1, 15, and 22 were only amended to correct grammatical mistakes. Claim 21 was amended to correct a typographical error. Support for the amendment to Claim 2 can be found, among other places, line 35 of page 6 to line 2 of page 7, which states, "...on determining that there is a need to replace a failed computing resource or to add resources to the operating computing pool 301 will query the free computing resources pool 304 to determine whether a suitable free resource is available for configuration to fill the need in the operating computing resource pool 301." Therefore, no new matter has been added.

Applicant respectfully points out that the amendments to the claims have not changed to scope of the claims. Therefore, although the claims have been amended, it would be improper for the next Office Action to be a final Office Action.

### CLAIM OBJECTIONS

#### Claim 21

In paragraph 2, the Office Action objected to Claim 21 for an informality because there was no space between the word "claim" and "15." Claim 21 has been amended. Therefore, Applicant believes that this objection has been addressed.

### CLAIM REJECTIONS

#### 35 U.S.C. §112

#### Claims 3, 17 and 26

In paragraph 4, the Office Action rejected Claims 3, 17 and 26 under 35 U.S.C. §112, first paragraph. Claims 3, 17 and 26 have been cancelled. Therefore, Applicant believes that these rejections have been addressed.

#### Claims 2-3

In paragraph 7, the Office Action rejected Claims 2-3 under 35 U.S.C. §112, second paragraph. Claim 2 has been amended. Claim 3 has been cancelled. Therefore, Applicant believes that these rejections have been addressed.

35 U.S.C. §102

Claims 1-30

In paragraph 11, the Office Action rejected Claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0078622 by Kaminsky et al. (referred to hereinafter as "Kaminsky"). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Kaminsky.

Independent Claim 1 recites,

A computing resource management method comprising:  
    establishing a pool of free computing resources in a computing system;  
    selecting a free computing resource from said pool of free computing resources to replace an operating computing resource in said computing system; and  
    configuring said selected free computing resource to operate in said computing system, after replacing said operating computing resource with said free computing resource in said computing system, wherein said free computing resources comprises resources that are not preconfigured for use in said computing system.

Applicant respectfully submits that Kaminsky does not teach or suggest, among other things, "establishing a pool of free computing resources in a computing system... wherein said free computing resources comprises resources that are not preconfigured for use in said computing system," as recited by Claim 1.

Referring to the abstract, Kaminsky teaches "A method, system and apparatus for server failure diagnosis and self-healing in a server arm. An automatic server farm which has been configured in accordance with the inventive arrangements can include a multiplicity of servers enabled to respond to requests received from clients which are external to the server farm" (emphasis added). Kaminsky also states in paragraphs 0028 through 0029 state,

In the course of the communicative coupling of client 110 and the selected one of the servers 150, request/response transactions can occur. Ordinarily, where the selected one of the servers 150 can respond to requests from the client 110 in a suitable fashion, session affinity can be maintained. However, where the selected one of the servers 150 fails to respond to a request

190A...the client 110 can identify the selected one of the servers 150 as having failed to respond to the request 190A...

In any case, upon detecting the retry request 190B, the network dispatcher 140 can assign a new one of the servers 150 to respond to the retry request 190B. More importantly, the new one of the servers 150 can undertake remedial measures in the selected one of the servers 150...Such remedial measures can include, for instance, the recycling of the selected one of the servers 150, the restarting of a particular application or process in the selected one of the servers 150, and the notification of the administrative node 160 (emphasis added).

Kaminsky further states at lines 3-6 of paragraph 0026, "The server farm 120 can include one or more servers 150, each server 150 hosting one or more computing processes 170 and associated data 180." Therefore, Kaminsky teaches a server farm that includes a multiplicity of servers that have already been configured to respond to requests received from a client. Each of the servers is hosting computing processes. In paragraphs 0028-0029 Kaminsky teaches that if a particular server that is assigned to respond to the request of a particular client fails, another server, from the server farm, can be assigned to respond to that request. The new server can perform remedial measures, such as restarting an application or process, and notifying an administrative node.

Since, among other things, Kaminsky teaches that the servers have already been configured and each are hosting computing processes, Kaminsky teaches away from "establishing a pool of free computing resources...wherein said free computing resources comprises resources that are not preconfigured for use in said computing system" (emphasis added).

The Office Action asserts that Kaminsky teaches "establishing a pool of free computing resources in a computing system" at lines 1-6 of paragraph 0026.

Kaminsky states at lines 1-6 of paragraph 0026,

FIG. 1 is a block diagram of a server farm which has been configured for client-assisted diagnosis and self-healing in accordance with the inventive arrangements. The server farm 120 can include one or more servers 150, each server 150 hosting one or more computing processes 170 and associated data 180. (emphasis added).

For reasons already discussed herein, the portion of Kaminsky (lines 1-6 of paragraph 0026) cited by the Office Action prove that Kaminsky teaches away from

"establishing a pool of free computing resources in a computing system" (emphasis added).

The Office Action asserted that Kaminsky teaches "configuring said selected free computing resource to operate in said computing system, after replacing said operating computing resource with said free computing resource in said computing system, wherein said free computing resources comprises resources that are not preconfigured for use in said computing system," (emphasis added) as recited by Claim 1 at lines 1-5 of paragraph 0033. Kaminsky states at lines 1-5 of paragraph 0033,

In step 4, the sprayer or optionally, a doctor process, recognizing a need to assign a new server in the server farm to handle the requests of the client, can assign a next server in the server farm to handle subsequent requests from the client, including the retry request.

Lines 1-5 of paragraph 0033 do not teach or suggest free computing resources let alone teach or suggest "wherein said free computing resources comprises resources that are not preconfigured for use in said computing system."

The Office Action also asserted that Kaminsky teaches "configuring said selected free computing resource to operate in said computing system, after replacing said operating computing resource with said free computing resource in said computing system, wherein said free computing resources comprises resources that are not preconfigured for use in said computing system," (emphasis added) as recited by Claim 1 at lines 5-7 of paragraph 0007 and paragraph 0009. Kaminsky states at lines 5-7 of paragraph 0007, "The crux of the IBM manifesto relates to eight principal characteristics of an autonomic computing system." Obviously lines 5-7 of paragraph 0007 do not teach or suggest free computing resources let alone teach or suggest "wherein said free computing resources comprises resources that are not preconfigured for use in said computing system." Kaminsky states at paragraph 0009, "The system must be able to configure and reconfigure itself under varying and unpredictable conditions." Although Kaminsky teaches a system that configures and reconfigures itself, as already discussed herein, Kaminsky's system does not teach free computing resources let alone teach or suggest "wherein said free computing resources comprises resources that are not preconfigured for use in said computing system."

For the foregoing reasons, not only does Kaminsky not teach or suggest "establishing a pool of free computing resources in a computing system... wherein said free computing resources comprises resources that are not preconfigured for use in said computing system" Kaminsky teaches away from "establishing a pool of free computing resources in a computing system... wherein said free computing resources comprises resources that are not preconfigured for use in said computing system," as recited by Claim 1. Therefore, Claim 1 should be patentable over Kaminsky. Independent Claims 15 and 22 should also be patentable over Kaminsky for similar reasons. Claims 2, 4-14 depend on Claim 1. Claims 16, 18-21 depend on Claim 15. Claims 23, 24, 27-30 depend on Claim 22. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations which further make them patentable. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

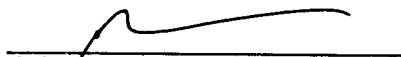
### CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1, 2, 4-16, 18-25, and 27-30 overcome the rejections of record. For reasons discussed herein, Applicant respectfully requests that Claims 1, 2, 4-16, 18-25, and 27-30 be considered by the Examiner. Therefore, allowance of Claims 1, 2, 4-16, 18-25, and 27-30 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,  
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